

Wetlands Bureau Decision Report

Decisions Taken
12/21/2009 to 12/27/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-02246 PUBLIC SERVICE OF NH KEENE Mill Creek & Ashuelot River

Requested Action:

Dredge and fill $\pm 94,500$ sq. ft. (± 800 linear feet) of the Ashuelot River and (± 900 linear feet) of Mill Creek for coal tar removal. Banks will be biostabilized with a riprap toe and restored to pre-existing grades, with exception of an area of existing riprap banks and sediment accumulation beneath the west side of the Ashuelot River, Winchester Street Bridge.

APPROVE PERMIT:

Dredge and fill $\pm 94,500$ sq. ft. (± 800 linear feet) of the Ashuelot River and (± 900 linear feet) of Mill Creek for coal tar removal. Banks will be biostabilized with a riprap toe and restored to pre-existing grades, with exception of an area of existing riprap banks and sediment accumulation beneath the west side of the Ashuelot River, Winchester Street Bridge.

With Conditions:

1. All work shall be in accordance with plans by Weston & Sampson, sheets G-1, C-1A through C-6, and C-8 through D-3, dated July 02, 2009, as received by the DES Wetlands Bureau on July 13, 2009, and plan sheets C-7A through C-7D, dated November 2009, as received by the DES Wetlands Bureau on November 23, 2009, and narrative by Weston & Sampson.
2. This permit is contingent upon the restoration of 94,500 square feet of Ashuelot River and Mill Creek bed and bank in accordance with plans referenced above and narrative by Weston & Sampson Section 02677 (Wetlands Protection and Restoration) received March 19, 2009. Restoration shall immediately follow the completion of remedial construction activities.
3. The Applicant shall notify the United States Fish and Wildlife Service; Kim Tuttle, NHFG Nongame and Endangered Species Program; the Ashuelot River LAC; the DES Wetlands Bureau and the local conservation commission in writing of their intention to commence construction, including staging, no less than two (2) weeks prior to construction.
4. Work shall be done during low flow conditions.
5. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species.
23. Banks shall be restored to their original grades to the maximum extent feasible and to a stable condition within immediately following the completion of construction.
24. Project specific application and plan language shall supercede standard language provided in specifications.
25. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
26. Only native plant species appropriate to the area shall be planted.
27. Native live plantings shall be installed by September 15th, on previously stabilized banks, and dormant willows shall be planted in the spring by June 1st or in the fall by October 30th.
28. Seed mix within restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with the specifications of manufacturer and shall contain no reed canary grass (*Phalaris arundinacea*). The receipt and contents of the wetland mix shall be supplied to NHDES within ten (10) days of application.
29. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
30. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
31. River and stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
32. Riverbank stabilization areas shall have at least 75% successful establishment of wetlands vegetation after three (3) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
33. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.
34. The permittee or a designee shall conduct a follow-up inspection after the first growing season to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the restoration.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The Natural Heritage Bureau review documented the presence of the federally listed dwarf wedge mussel, stage threatened common nighthawk and wood turtle in the project vicinity. NHB has confirmed the dwarf wedge mussel is 2.5 miles downstream.
3. In correspondence dated April 2, 2008, the NHFG Nongame and Endangered Species Program requested equipment staging details since the common nighthawk have been documented in the area. This species nests on flat roofs covered with small stone or at the edges of gravel parking lots and industrial sites.
4. The Applicant/Agent has provided a project access, staging and truck routing plan.
5. In correspondence dated November 25, 2008, the Ashuelot River Local Advisory Committee (ARLAC) stated that the, "ARLAC has no comments to make on the application and welcomes the implementation of this project."
6. The DES Alteration of Terrain Program issued approval for the project, permit number WPS-8339 on January 27, 2009.

7. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present, dated February 18, 2009.
8. In email correspondence dated April 15, 2009, the Keene Conservation Commission indicated they were not going to comment on the application.
9. In email correspondence received August 2009, the NHFG requested work is restricted to low water conditions.
10. In correspondence dated August 26, 2009, the NHFG Fisheries Division indicated they would refer to the DES NH Geological Survey for comment.
11. The project has been revised to include DES NH Geological Survey comment, including sediment replacement above proposed riprap locations.
12. In a September 2009, meeting and December 22, 2009, email correspondence the USFWS noted the importance of containment and sediment/erosion controls.
13. In email correspondence dated December 22, 2009, the NHFG Nongame and Endangered Species program requested they be notified two (2) weeks prior to construction staging.
14. The Applicant has obtained property access agreements, received December 01, 2009, for all of the fourteen properties affected by the project.
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.
16. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
17. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
18. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

2009-01129 LITTLE, STEPHEN
PORTSMOUTH Little Harbor

Requested Action:

Add a 3' x 30' ramp and a 10' x 20' float with two float stop pilings, to an existing, permitted 4' wide with 8' x 8' end platform x 130' long tidal dock. Overall structure length 177', providing two slips on 30' of frontage.

Inspection Date: 12/10/2009 by Dori A Wiggin

APPROVE PERMIT:

Add a 3' x 30' ramp and a 10' x 20' float with two float stop pilings, to an existing, permitted 4' wide with 8' x 8' end platform x 130' long tidal dock. Overall structure length 177', providing two slips on 30' of frontage

With Conditions:

1. All work shall be in accordance with plans by Stephen Little, dated 5/10/2009, as received by the Department on 10/23/2009.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The tidal docking structure consisting of a 4' x 130'(including an 8'x 8' landing platform end section)permanent pier, connecting to the new 3' x 30' ramp connecting to a 10' x 20' float with associated float stop pilings, overall structure length 177', providing two slips on 30' of frontage on Portsmouth Tax Map R-7, Lot 25, on Piscataqua River Back Channel, shall be the only dock structure on this water frontage. All portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those

lines into the water, except where written permission from the abutting property owner to be within the 20' set back has been received by DES.

7. The float shall sit on float stops to prevent the float from sitting on the substrate during low tide.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently the permanent pier portion only on the property to provide access to the water, with watercraft accessed by a ladder. Typical tidal docking structures consist of a permanent pier, ramp, and float.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier was permitted and constructed under file 2003-2638. The requested ramp and float are seasonal, and will have float stops so as to not impact the tidal resource. The structure is the minimum length necessary to reach usable water on the Piscataqua River, and is consistent with docks approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Both the NH Natural Heritage Bureau and NH Fish & Game Department have reported that the species reported for the project vicinity will not be affected by the project. This project will not impede navigation in this location, based on review by the Pease Development Authority Division of Ports and Harbors of similar structures in the immediate vicinity. The dock is located greater than 20 feet off the abutting property line on one side, and the applicant owns the abutting lot and has provided a written statement allowing the structure to be within 20' of the property line of his second lot.
5. The Portsmouth Conservation Commission recommends approval of the the application.
6. DES staff field inspection on 12/10/2009 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

2009-01574 LYME, TOWN OF
LYME Unnamed Wetland Post Pond

Requested Action:

Propose to impact 61,013 square feet of wetlands for the reconstruction of an existing multi-use athletic field and to rehabilitate picnic area and beach. Impacts to wetlands include filling and grading 50,180 square feet for the existing recreational fields and adjacent areas; and 10,813 square feet for the rehabilitation of existing picnic areas. Compensatory mitigation includes a Conservation Easement on the Chaffee Wildlife Sanctuary.

APPROVE PERMIT:

Impact 61,013 square feet of wetlands for the reconstruction of an existing multi-use athletic field and to rehabilitate picnic area and beach. Impacts to wetlands include filling and grading 50,180 square feet for the existing recreational fields and adjacent areas; and 10,813 square feet for the rehabilitation of existing picnic areas. Compensatory mitigation includes a Conservation Easement on the Chaffee Wildlife Sanctuary.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting entitled Lyme Recreational Fields (Sheet 1-4 of 4) dated July 02, 2009, as received by DES on July 10, 2009.
2. This permit is contingent upon the execution of a conservation easement on 21.08 acres as depicted on plans entitled Conservation Easement Summary Plan for Town of Lyme received by DES on October 21, 2009.
3. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and

future property owners shall be subject to this easement.

4. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. This permit shall not be effective until it has been recorded with the Grafton County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
9. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
10. This permit is contingent on approval by the DES Alteration of Terrain Program.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
12. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. No more than 10 cu. yds. of sand may be used for beach replenishment.
15. No sand or fill material to placed below the reference line elevation of 428.8
16. This permit shall be used only once, and does not allow for annual beach replenishment.
17. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
18. No equipment shall enter the water.
19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
24. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
25. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a Major Project per NH Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The Upper Valley Land Trust voted to accept a Conservation Easement on the Chaffee Wildlife Sanctuary.
5. The Chaffee Wildlife Sanctuary has diverse natural resources.

6. No formal conservation easement protects The Chaffee Wildlife Sanctuary from future development.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. In accordance with RSA 428-A:8, DES held a public hearing on October 21, 2009.
9. During the hearing objections to a related wetlands application 2006-2593 were raised. Wetlands application 2006-2593 was denied on December 18, 2009.
10. The project engineer determined that the project will not have a measurable impact on the overall Post Pond 100 year flood elevation.
11. The Lyme Conservation Commission commented that they generally support the reconstruction and improvement of the Town's recreation facilities at Post Pond.
12. The NH Natural Heritage Bureau report found Stargrass (*Heteranthera dubia*) in the vicinity of the project.
13. The NH Natural Heritage Bureau commented that threats to aquatic species include changes in water quality, e.g., due to pollution and stormwater runoff, and significant changes in water level.
14. No changes in water quality or level shall occur as a result of this project.
15. The project area is a highly valued recreation area that has been in recreational use for almost 50 years.
16. Town meeting notes indicate that the recreational area and committee was established in 1962, pre-Wetlands Statute.

2009-01771 PETRILLO, BRIAN & JOANNE
MEREDITH Lake Winnepesaukee

Requested Action:

Excavate 800 sq ft of bank and applicants land and 480 sq ft of lakebed to construct a 24 ft x 33 ft 4 in dug in boathouse and install a 6 ft x 30 ft seasonal dock attached to a 2 ft x 6 ft concrete anchor, on an average of 197 ft of frontage on Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com submitted comments stating a dug in boathouse is not the least impacting alternative

DENY PERMIT:

Excavate 800 sq ft of bank and applicants land and 480 sq ft of lakebed to construct a 24 ft x 33 ft 4 in dug in boathouse and install a 6 ft x 30 ft seasonal dock attached to a 2 ft x 6 ft concrete anchor, on an average of 197 ft of frontage on Lake Winnepesaukee, in Meredith.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:3,(2) "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."
3. In accordance with RSA 482-A:3,(3) "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request (A) Approve or deny the application, in whole or in part".
4. In accordance with RSA 483-B:3, Consistency Required, "I. All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
5. In accordance with RSA 483-B:3, Consistency Required "II, When the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control."

6. In accordance with RSA 483-B:4, VII-b. ""Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water."

Findings of Fact

1. On April 6, 2009, the Wetlands Bureau received a Standard Dredge and Fill application to excavate 800 sq ft of bank and applicants land and 480 sq ft of lakebed to construct a 24 ft x 33 ft 4 in dug in boathouse, install a 6 ft x 30 ft seasonal dock attached to a 2 ft x 6 ft concrete anchor, on an average of 197 ft of frontage on Lake Winnepesaukee, Meredith.
2. On October 26, 2009, the Wetlands Bureau sent a Request for More Information letter to the applicant.
3. Item number #8 of the Request for More Information letter requested "In accordance with the conditions on the issued Shoreland Permit 2009-01770, the proposed boathouse shall not have an impervious impact area greater than 800 square feet. Submit plans with the proposed boathouse footprint, to include the roof overhangs, not to exceed 800 sq ft."
4. DES permit 2009-01770 was an amended and approved Shoreland Permit to "impact 2,397 sq ft, 1,445 sq ft of which shall be temporary impacts, to construct a 24 ft x 33 ft 4 in dug-in boathouse."
5. A condition of the permit 2009-01770 specifically states "The impervious surface area of the boathouse shall not exceed 855 sq ft."
6. On November 23, 2009, the Wetlands Bureau received a response to the Request for More Information letter. The response included a plan indicating similar impacts as originally proposed.
7. The proposed plan submitted in response to the Request for More Information letter shows the proposed boathouse shall have roof dimensions of 25 ft 2 in x 34 ft 6 in resulting in an impervious area of 868 sq ft.

Rulings in Support of Denial

1. The proposed boathouse exceeds the square feet of impervious surface allowed under amended Shoreland Permit 2009-1770, therefore pursuant to RSA 483-B:3, I, and II, the project as proposed shall not be approved.

2009-01830 NH FISH & GAME DEPT NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 1,635 sq ft to permanently remove an existing 50 ft x 15 ft boatramp and install a 64 ft x 12 ft concrete boatramp with a 6 ft x 50 ft seasonal dock on Merrymeeting Lake, in New Durham.

Conservation Commission/Staff Comments:

No comments from Con Com by 10/28/2009

APPROVE PERMIT:

Impact 1,635 sq ft to permanently remove an existing 50 ft x 15 ft boatramp and install a 64 ft x 12 ft concrete boatramp with a 6 ft x 50 ft seasonal dock on Merrymeeting Lake, in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford, and Thorndike revision dated November 16, 2009, as received by DES on November 25, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee.
3. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during draw down.
6. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

7. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place and as permitted under a separate Shoreland Permit.
8. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
9. The boat ramp shall be utilized indefinitely as a public access to Merrymeeting Lake and shall not change in use.
10. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
11. The seasonal pier shall be removed from the lake for the non-boating season.
12. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(1), projects which, when taken in the aggregate with previous work on the property within the last 5 years, would be considered major.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resource, as identified under RSA 482-A:1.
6. The proposal is the repair and upgrade of an existing boatramp on the waterbody.

-Send to Governor and Executive Council-

2009-02061 MENDER, WILLIAM & GALE
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing 36 ft breakwater, add a 6 ft gap at the shore, reduce the 5 ft x 30 ft cantilevered walkway to 4 ft x 30 ft, add a 6 ft x 26 ft dock supported by a 7 ft x 7 ft crib and a 6 ft x 6 ft crib accessed by a 4 ft x 20 ft walkway, on an average of 271 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Repair an existing 36 ft breakwater, add a 6 ft gap at the shore, reduce the 5 ft x 30 ft cantilevered walkway to 4 ft x 30 ft, add a 6 ft x 26 ft dock supported by a 7 ft x 7 ft crib and a 6 ft x 6 ft crib accessed by a 4 ft x 20 ft walkway, on an average of 271 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 16, 2009, as received by the Department on December 16, 2009.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee

notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.

5. The repairs shall maintain the size, location and configuration of the pre-existing structures.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
9. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
10. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
11. The minimum clear spacing between cribs shall be 12 feet.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction or modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 271 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.1.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of this lacustrine ecosystem.

-Send to Governor and Executive Council-

2009-02368 EXETER, TOWN OF
EXETER Atlantic Ocean

Requested Action:

Impact a total of 4,175 sq. ft. (2,300 sf temporary site disturbance & a 1,875 sf maintenance dredging footprint) within the tidal buffer zone and to remove accumulated sediments and debris by vacuum dredging to restore the riverbed surrounding the Waste Water Treatment Facility outfall diffuser to design conditions.

Conservation Commission/Staff Comments:

The Exeter Conservation Commission did not submit a report or comment on this application .

APPROVE PERMIT:

Impact a total of 4,175 sq. ft. (2,300 sf temporary site disturbance & a 1,875 sf maintenance dredging footprint) within the tidal buffer zone and to remove accumulated sediments and debris by vacuum dredging to restore the riverbed surrounding the Waste Water Treatment Facility outfall diffuser to design conditions.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers, Inc. dated 9/09, as received by DES on October 08, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Exeter Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on the approval and conditions of the NPDES permit.
5. Dredging in tidal waters will occur only between November 15 and March 15 in accordance with Env-Wt 304.11(b).

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.

MINOR IMPACT PROJECT

2009-00386 KEENE, CITY OF
KEENE Ashuelot River

Requested Action:

Approve amendment request to revise the proposed temporary bridge construction. The footprint of the impacts will be revised and the square footage of impacts reduced.

APPROVE AMENDMENT:

Dredge and fill 1,810 sq. ft. and temporarily impact 5,695 sq. ft. of the Ashuelot River and palustrine forested wetlands for replacement of the Court St. 116-ft. x 24-ft. two span steel stringer 2-lane bridge (No. 111/116) with a 122-ft. x 51-ft. single span 3-lane bridge. Bridge replacement includes temporary bridge construction.

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc. dated February 09, 2009, June 09, 2009, and June 12, 2009, as received by the DES on July 17, 2009; and General Construction Notes dated July 28, 2009, as received by DES on August 11, 2009; and amended temporary bridge plans by Eckman Engineering dated December 2009, as received by the DES Wetlands Bureau on December 18, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on coordination with the United States Fish and Wildlife Service (USFWS).
4. Work shall be done during annual low flow conditions.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. This permit is contingent upon the restoration of 5,900 square feet of temporary Ashuelot River bed and bank and palustrine forested wetland impact in accordance with plans received July 17, 2009, within 30 days of the completion of each construction phase.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the temporary impact restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated

professional prior to the start of work and if there is a change of status during the project.

8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic. Faulty equipment shall be repaired prior to the commencement of construction.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling and maintenance of equipment shall occur at least 150 feet from surface waters or wetlands during construction and in a location where drainage is directed away from the river.
22. Machinery shall be staged and refueled in upland areas where leaks, spills, waste materials or cleaners will not be introduced to wetlands or surface waters.
23. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
25. The restoration area shall be regraded to original contours following completion of work.
26. Only native plant species appropriate to the area shall be planted.
27. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
28. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
29. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
30. River restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
31. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and

schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of construction.

33. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

34. A post-construction report documenting the status of the completed project and temporary impact restoration areas shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

The DES Wetlands Bureau reaffirms original findings no.'s 1 - 16:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a river.
2. The Keene Conservation Commission submitted a late intent to intervene received March 20, 2009. The intent states the Commission feels that the proposed impact, while necessary to a project that benefits the greater public good, can improve methods for managing erosion and sedimentation. In particular the Commission has concerns regarding removal of the central pier and that the Commission would like pier removal to occur in the dry. Also, given downstream endangered species the Commission encouraged appropriate erosion controls.
3. In correspondence dated March 23, 2009, the Ashuelot River Local Advisory Committee (ARLAC) noted water diversion plans were not included in the application and expressed concern for sedimentation due to the presence of dwarf wedge mussel in the project area. The ARLAC also asked they contractors be aware of wood turtle and take appropriate action if encountered and that appropriate safety precautions are taken for recreational users of the river.
4. The Natural Heritage Bureau Review indicated the presence of the state and federally endangered dwarf wedge mussel and the state listed species of concern, wood turtle.
5. Suggestions of the USFWS were incorporated into project specifications. This permit is contingent on further coordination with the USFWS.
6. In email correspondence dated May 08, 2009, the NHFG Nongame and Endangered Species Program indicated they do not expect impacts to wood turtle or dwarf wedge mussel as a result of the proposed project.
7. In email correspondence dated July 24, 2009, the NHFG Nongame and Endangered Species Program concurred with USFWS recommendations and indicated if those recommendations are met further consultation is not required with NHFG.
8. The existing pier will be removed down to 1-foot below the channel. It is anticipated the contractor will utilize a portadam or sheetpile cofferdam with sandbags and poly for the gaps in the sheets beneath the utility lines.
9. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
10. The FEMA Flood Insurance Study for the City of Keene, dated September 17, 1997, includes hydraulic information at the Court Street Bridge. The 500-year flood elevation (± 481) from this study does not reach the bottom of the existing structure.
11. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
12. This permit is contingent on approval by the DES Shoreland Program.
13. The Town has obtained easements from property owners of parcels on which work will occur.
14. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
15. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
16. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

The DES Wetlands Bureau also makes the following findings:

17. This amendment approves revised temporary detour bridge plans.
18. In correspondence dated December 22, 2009, the Keene Conservation Commission accepted the revised temporary bridge proposal.
19. The footprint of the temporary impact has changed and the proposed temporary impacts have been reduced from 5,900 sq. ft. to 5,695 sq. ft.

Requested Action:

Install 60 linear feet of rip rap to protect the footings of an existing dwelling adjacent to Lake Nubanusit, Nelson.

Conservation Commission/Staff Comments:

No comments from Con Com by November 05, 2009

APPROVE PERMIT:

Install 60 linear feet of rip rap to protect the footings of an existing dwelling adjacent to Lake Nubanusit, Nelson.

With Conditions:

1. All work shall be in accordance with plans by Richard Drew, revision dated November 20, 2009, as received by DES on November 25, 2009 and cross sectional plans by Sharon Monahan, dated August 24, 2009, as received by DES on August 28, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Work shall be done during drawdown.
4. Work shall be done during low flow.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
7. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, when measured along the shoreline, of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2009-02063 NEW COMMUNITY CENTER FOR CLAREMONT INC
CLAREMONT Unnamed Wetland

Requested Action:

Dredge and fill \pm 6,200 sq. ft. of palustrine forested wetlands for construction of a \pm 37,284 sq. ft. community center and associated parking.

APPROVE PERMIT:

Dredge and fill \pm 6,200 sq. ft. of palustrine forested wetlands for construction of a \pm 37,284 sq. ft. community center and associated parking.

With Conditions:

1. All work shall be in accordance with plans by Warren Street Architects dated August 28, 2009, as received by the Department on September 04, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters

to prevent accidental encroachment on wetlands.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Proper headwalls shall be constructed within seven days of culvert installation.

9. Culverts shall be laid at original grade.

10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of alteration of less than 20,000 sq. ft. of wetlands.

2. The community center site utilizes donated land that is centrally located, pedestrian accessible, and abuts the Rails-to-Trails city trail network.

3. The community center will have a shared parking agreement with the Claremont Middle School for large events.

4. The Fire Department has granted approval for a rear access 6-foot walkway instead of a full road, which has reduced the proposed impacts to wetlands.

5. In correspondence dated October 16, 2009, the NHFG Nongame and Endangered Species program indicated impacts to the state endangered common nighthawk from the project are not anticipated.

6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02137

BURGDORFF, GLYNIS

WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair 130 linear feet of an existing retaining wall "in kind" on an average of 242 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com submitted comments stating plans unclear to scope of project and siltation and erosion controls not sufficient

APPROVE PERMIT:

Repair 130 linear feet of an existing retaining wall "in kind" on an average of 242 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co revision dated November 18, 2009, as received by DES on November 23, 2009.

2. Excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

3. Repair shall maintain existing size, location and configuration.

4. This permit does not allow for any equipment to operate on the lakebed or within areas of jurisdiction.

5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for

obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair of existing retaining walls that require work in the water, but that results in no change in height, length, location, or configuration.

2009-02439 NH DEPT OF TRANSPORTATION
RANDOLPH Moose River

Requested Action:

Rebuild the invert of a 10.8 ft. x 110 ft. culvert with reinforced concrete, repair cutoff walls and line the inlet and outlet with a stone blanket to prevent erosion impacting 892 sq. ft. of riverine wetlands (480 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. - no comment.

Inspection Date: 11/24/2009 by Gino E Infascelli

APPROVE PERMIT:

Rebuild the invert of a 10.8 ft. x 110 ft. culvert with reinforced concrete, repair cutoff walls and line the inlet and outlet with a stone blanket to prevent erosion impacting 892 sq. ft. of riverine wetlands (480 sq. ft. temporary). NHDOT project #99015Z

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 2/21/08, as received by the Department on Oct. 12, 2009 and the Inter-Department memo dated and received Dec. 15, 2009.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this

permit, the terms and conditions of this permit shall control.

14. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.

15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

18. The work area shall be constructed to protect the existing structure while minimizing permanent impacts and enhancing aquatic organism passage.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Inspection found the bottom of the culvert deteriorating and the outlet area is mostly ledge. Data collected at the site was provided to NH Fish and Game Dept. (NHFG) for comment.
6. The response received from NHFG indicates the slope and length of the existing culvert is an exhaustion barrier to fish.
7. Per the Inter-Department memo dated and received Dec. 15, 2009, the applicant has committed to minimizing the perched condition by installing a notched log or similar structure downstream of the outlet.
8. The DES has determined that, although the current circumstances may prevent fish passage, the proposal to elevate the water level at the culvert outlet should benefit other aquatic organisms.

**2009-02440 NH DEPT OF TRANSPORTATION
BARTLETT Thorn Brook**

Requested Action:

Rebuild the invert of a 12 ft. x 89 ft. multi plate arch culvert with 6 inches of reinforced concrete, repair cutoff walls and line the inlet and outlet with a stone blanket to prevent erosion impacting 936 sq. ft. of riverine wetlands (552 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 11/24/2009 by Gino E Infascelli

APPROVE PERMIT:

Rebuild the invert of a 12 ft. x 89 ft. multi plate arch culvert with 6 inches of reinforced concrete, repair cutoff walls and line the inlet and outlet with a stone blanket to prevent erosion impacting 936 sq. ft. of riverine wetlands (552 sq. ft. temporary). NHDOT project #99014Z

With Conditions:

1. All work shall be in accordance with amended plans by NHDOT Bureau of Bridge Maintenance correcting the wetland delineation 11/24/09 as received by the Department on Dec. 15, 2009 and the Inter-Department memo dated and received Dec. 15, 2009.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
14. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The work area shall be constructed to protect the existing structure while minimizing permanent impacts and enhancing aquatic organism passage.
19. Any work in the adjacent wetlands shall be with equipment on mats and / or during frozen conditions.
20. Material is to be placed to provide passage for aquatic organisms and any stone blanket shall be minimized as much as possible and placed so as not to obstruct aquatic organisms.
21. Placement of stone downstream of the outlet is to be set with the intent of minimizing any elevation drops at the inlet and outlet reducing the existing perched condition.
22. No asphalt shall be placed in jurisdiction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Inspection by DES staff on November 24, 2009 found the bottom of the culvert deteriorating and that modifications during construction could reduce the perched outlet condition.
6. Per the Inter-Department memo dated and received Dec. 15, 2009, the applicant has committed to minimizing the perched condition by installing a weir or similar structure downstream of the outlet.
7. A review of the project relative to impaired waters finds that most work is temporary, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.

MINIMUM IMPACT PROJECT

2008-01737 MALLEN, EDWARD/RENE
RYE Atlantic Ocean

Requested Action:

Impact 3,583 sq. ft. (983 sq. ft. permanent; 2,600 sq. ft. temporary) within the previously developed upland tidal buffer zone (TBZ) to demolish the existing building and construct a new dwelling and install a new subsurface septic system resulting in a decrease of 457 sq. ft. of coverage in the TBZ to be enhanced with rain gardens.

Conservation Commission/Staff Comments:

The Rye Conservation Commission conducted a site walk of the subject property and determined to support this application.

APPROVE AMENDMENT:

Impact 3,583 sq. ft. (983 sq. ft. permanent; 2,600 sq. ft. temporary) within the previously developed upland tidal buffer zone (TBZ) to demolish the existing building and construct a new dwelling and install a new subsurface septic system resulting in a decrease of 457 sq. ft. of coverage in the TBZ to be enhanced with rain gardens.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated October 2009 (issued for comment 10/5/09), as received by DES on October 13, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. NH DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01274 BETEAU, SHIRLEY
ROXBURY Unnamed Stream Wetland

Requested Action:

Withdraw application to dredge and fill \pm 2,261 sq. ft. of intermittent stream and palustrine forested wetlands for road access to a proposed cell tower station.

WITHDRAW APPLICATION:

Dredge and fill \pm 2,261 sq. ft. of intermittent stream and palustrine forested wetlands for road access to a proposed cell tower station.

With Findings:

1. A request to withdraw the application was received on December 17, 2009.

**2009-02363 THOMPSON, BRADLEY
WEST STEWARTSTOWN Unnamed Pond**

Requested Action:

Impact approximately 2,500 square feet of an existing man-made pond for the installation of a dry hydrant and maintenance dredge.

APPROVE PERMIT:

Impact approximately 2,500 square feet of an existing man-made pond for the installation of a dry hydrant and maintenance dredge.

With Conditions:

1. All work shall be in accordance with the plan titled Brad Thompson Property and narrative as received by DES on September 11, 2009.
2. The pond shall be fully drained before work is to begin.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas shall be avoided.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700;
7. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
8. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners.
9. All material removed during work activities shall be placed out of DES's jurisdiction.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any portion of the bank disturbed as part of installation of the dry hydrant pipe shall be regraded to original contours, seeded and stabilized immediately following completion of work.
12. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
13. Machinery shall not be located within surface waters, where practicable.
14. Machinery shall be staged and refueled in upland areas.
15. All construction-related debris and dredged material not used to backfill the dry hydrant pipe trench shall be placed outside of the DES Wetlands Bureau jurisdiction.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Env-Wt 303.04 (m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02; and Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that: (1) The work is done within the original bounds of a legally-constructed project; (2) The project is not located in or adjacent to prime wetlands; (3) The work does not exceed 20,000 square feet; and(4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Conservation Commission.

FORESTRY NOTIFICATION

2009-02834 BIXBY, LLOYD
WARREN Unnamed Stream

COMPLETE NOTIFICATION:
Warren Tax Map 213, lot# 59

2009-02910 WILSON TRUST, THOMAS
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R3, Lot# 10

2009-02926 COLSIA, WAYNE
LYNDEBOROUGH Unnamed Stream

2009-02929 MULCAHEY, PAUL
FITZWILLIAM Unnamed Stream

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map 11, Lot# 5-1

2009-02939 BREAKSTONE, CORY
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 207, Lot# 5

2009-02953 MILLER, HERMAN
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francestown Tax Map 8, Lot# 55

2009-02954 HIBBARD, THOMAS & MARY
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax Map 3, Lot# 470,314

2009-02955 EASTMAN, STEPHEN & JEANNE
CHATHAM Unnamed Stream

2009-02956 ZAMEK, STEVE
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:
Raymond Tax Map/Lot# 9/158 & 15/71

2009-02969 NH DRED
LACONIA Unnamed Stream

COMPLETE NOTIFICATION:
Laconia Tax Map 28, Lot# 155-1

2009-02970 EVERETT, MARTIN & JACQUELINE
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R3, Lot# 9 & 9A

2009-02971 JS LOGGING
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 409, Lot# 45-1

2009-02973 KAHN, LOUIS
MEREDITH Unnamed Stream

COMPLETE NOTIFICATION:

Meredith Tax Map R19, Lot# 1 & 13

2009-02974 LANGER, ROSE
MEREDITH Unnamed Stream

COMPLETE NOTIFICATION:
Meredith Tax Map R34, Lot# 5

2009-02975 KELLEY, BARRY
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 46, Lot# 104

2009-02981 CONCORD PLANNING BOARD, TOWN OF
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 103, Lot# 1

2009-02985 BRONSON, LINDA
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map/Lot# 1-3-1 & 1-1-7

EXPEDITED MINIMUM

2009-02083 TEACH, MARY
NEW LONDON Little Sunapee Lake

Requested Action:
Place 6 cubic yards of sand on an existing 646 sq ft sloped beach on Little Sunapee Lake, New London.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:
Place 6 cubic yards of sand on an existing 646 sq ft sloped beach on Little Sunapee Lake, New London.

With Conditions:
1. All work shall be in accordance with plans as received by DES on September 14, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

3. No more than 6 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach.

2009-02097 GREENWOOD, JOHN
NEWBURY Lake Sunapee

Requested Action:

Permanently remove an existing 6 ft x 18 ft seasonal dock and install a 4 ft x 36 ft seasonal dock on Lake Sunapee, Newbury.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 6 ft x 18 ft seasonal dock and install a 4 ft x 36 ft seasonal dock on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by John Greenwood dated July 21, 2007, as received by DES on Sept 15, 2009, and amended dock width as received by DES on November 23, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 36 feet from the shoreline at full lake elevation.
6. The seasonal pier shall not be more than 4 feet wide.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant submitted a waiver of Env-Wt 402.12 in support of the requested length.
3. The applicant submitted notarized abutter letters in support of the dock located within the abutter's setback.

2009-02474 CALISE, ROBERT & DOREEN
CAMPTON Unnamed Wetland

Requested Action:

Impact approximately 154 square feet of wetland for a driveway crossing to a single family building lot. Work in wetlands consists of one wetland crossing with an 18 inch diameter by 20 foot long culvert and associated filling and grading.

APPROVE PERMIT:

Impact approximately 154 square feet of wetland for a driveway crossing to a single family building lot. Work in wetlands consists of one wetland crossing with an 18 inch diameter by 20 foot long culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with the plan titled Minimum Impact Expedited Application for Driveway Crossing Permit as received by DES on October 21, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau.

2009-02907 SMITH III, WENDELL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing 5 ft x 47 ft permanent post supported dock located on a common property line on Lake Winnepesaukee, Moultonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 5 ft x 47 ft permanent post supported dock located on a common property line on Lake Winnepesaukee,

Moultonboro.

With Conditions:

1. All work shall be in accordance with plans as received by DES on December 09, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-02909 NH DEPT OF TRANSPORTATION
TILTON Unnamed Stream

Requested Action:

Replace a 12 in. drain pipe with an 18 in. pipe and stabilize the stream embankment impacting 450 sq. ft. of bank.

APPROVE PERMIT:

Replace a 12 in. drain pipe with an 18 in. pipe and stabilize the stream embankment impacting 450 sq. ft. of bank.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services dated Nov. 2009 as received by the Department on Dec. 9, 2009
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.

10. Work shall be done during low flow.

11. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

12. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

13. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

14. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

X-SHORELAND VARIANCE / WA

2007-00187 MURRAY, THOMAS
WINDHAM Canobie Lake

Requested Action:

Applicant requests that the approval be amended to allow the retention of a retaining wall, fill, and landscaping activities between the reference line and the primay building setback.

Conservation Commission/Staff Comments:

Enforcement document sent to the property owner on 6/12/09. TG

Inspection Date: 03/14/2007 by Thomas Gilbert

DENY AMENDMENT:

Deny after the fact request for a retaining wall, fill, and landscaping activities between the reference line and the primay building setback.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:11, I, Nonconforming Structures, "Except as otherwise prohibited by law, nonconforming structures located within the protected shoreland may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but shall result in no expansion of the existing footprint except as authorized by the department pursuant to paragraph II. An expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system or converts a structure to condominiums or any other project identified under RSA 485-A:29-44 and rules adopted to implement it shall require approval by the department."

2. Pursuant to RSA 483-B:11, II, Nonconforming Structures, "When reviewing requests for the redevelopment of sites that contain nonconforming structures or any expansions of nonconforming structures the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters. For the purposes of this section, a proposal that is ""more nearly conforming "" means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection." The standards for the approval of a redevelopment waiver as outlined in RSA 483-B:11, II have not been changed since

the initial filing of this application.

3. In accordance with the revised language of Rule Env-Ws 1406.02, Replacement of Pre-existing Nonconforming Primary Structures Other Than Those Damaged By Accidental Means, as adopted April 21, 2005, "Any pre-existing nonconforming primary structure shall be repaired, renovated, or replaced in kind only in accordance with RSA 483-B:11." On July 1, 2008, the designation of this rule became Env-Wq 1408.02.

4. In accordance with Rule Env-Ws 1406.06, Attachments to Redevelopment Waiver Application, as adopted April 21, 2005, "The applicant for a redevelopment waiver under RSA 483-B:11, II shall submit the following documents with the redevelopment waiver application form: ... (c) A plan showing the existing conditions and proposed conditions after completion of the project, including the following: ... (1) A plan of the property that shows all property boundaries, any easements over the property, and the footprints of all existing and proposed primary structures, accessory structures, and water-dependent structures, clearly labeled; ... (3) The dimensions and locations of all existing and proposed structures and all other relevant features necessary to clearly define the project."

5. Pursuant to RSA 482-A:3, I, (a), Excavating and Dredging Permit; Certain Exemptions, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department." The requirement to obtain a permit under RSA 482-A:3, for impacts to the banks of surface waters, has been in effect since at least September of 1978.

6. Pursuant to RSA 483-B:6, Prior Approval; Permits, I, "Within the protected shoreland, any person intending to... (b) Construct a water-dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A." RSA 483-B:6 was retitled on July 1, 2008 to be "Other Required Permits and Approvals," however the language of paragraph I of this section has been in effect as written since 1994.

7. Effective July 1, 2008 Rule Env-Wq 1406.19, (b), Duration of Shoreland Permit; Amendments, states "The holder of a shoreland permit or a PBI maintenance permit who wishes to make changes to a project after the department has issued the permit shall: (1) Apply for an amended permit in accordance with (c), below, if the changes meet the criteria specified in (e), below; or (2) Apply for a new permit in accordance with Env-Wq 1406, if the changes do not meet the criteria specified in (e), below." Prior to July 1, 2008, there was no provision for amendments to Shoreland Redevelopment Waivers in the Shoreland Program Rules.

8. In accordance with Rule Env-Wq 1406.03, (a), Exemption for Vested Rights, as adopted July 1, 2008, "Subject to (e), below, activities in the protected shoreland shall not require a permit under RSA 483-B:5-b if the property owner or developer can demonstrate to the department's satisfaction that the property owner or developer has incurred substantial liabilities in a reasonable, good faith reliance on the absence of a controlling law or regulation, sometimes called vested rights."

9. In accordance with Rule Env-Wq 1406.03, (b), Exemption for Vested Rights, as adopted July 1, 2008, "The department shall deem any of the following to be proof that the property owner or developer has vested rights:(4) The activities are specifically identified in a variance or redevelopment waiver issued by the department prior to July 1, 2008 pursuant to RSA 483-B, unless the approval specifically requires the permittee to obtain a permit pursuant to this section if work was not commenced prior to July 1, 2008."

10. In accordance with Rule Env-Wq 1406.03, (e), Exemption for Vested Rights, as adopted July 1, 2008, "An exemption shall not be available under (a), above, if: (1) The applicant proposes changes to the activities from those that would otherwise be exempt under (a), above, and such changes would increase impacts in the natural woodland buffer established by RSA 483-B:9, V(b)(1)."

11. In accordance with Rule Env-Ws 1406.06, Attachments to Redevelopment Waiver Application, as adopted April 21, 2005, "The applicant for a redevelopment waiver under RSA 483-B:11, II shall submit the following documents with the redevelopment waiver application form: ... (c) A plan showing the existing conditions and proposed conditions after completion of the project, including the following: ... 8) If the topography is to be altered, the existing and proposed topography, including a reference elevation;"

12. Prior to July 1, 2008, Rule Env-Ws 1403.04, Opening for Construction, (b), read "Between the primary building line and the reference line, the opening for construction for primary structures shall be measured on the horizontal plane as the area extending 15 feet from the exterior edge of the footprint of the structure." There is no longer a specific provision regulation the opening for construction in the Shoreland Program Administrative Rules.

13. In accordance with RSA 483-B-4, XXII, "Structure" means anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

14. In accordance with RSA 483-B-4, II, "Accessory structure" means a structure, as defined in paragraph XXII of this section, on the same lot and customarily incidental and subordinate to the primary structure, as defined in paragraph XIV of this section; or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages, or other outbuildings.

15. Pursuant to Rule Env-Ws 1405.04, Setback for Accessory Structures, as originally adopted November 20, 1996, "All accessory structures built after November 26, 1996 shall be set back at least 20 feet from the reference line." On July 1, 2008, the designation

of this rule became Env-Wq 1405.04. The 20 ft setback currently remains in effect.

16. Pursuant to Rule Env-Ws 1405.03, (b), Limitations on Accessory Structures, as adopted April 25, 2005 and in effect through June 30, 2008, accessory structures shall have a footprint no larger than 150 square feet.

17. In accordance with RSA 483-B:3, II, Consistency Required, when the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control.

18. Pursuant to Wetlands Program Rule Env-Wt 404.01, Least Intrusive Method, shoreline stabilization shall be by the least intrusive but practical method.

19. Pursuant to Wetlands Program Rule Env-Wt 404.05, (a), (1), Walls, "walls shall be permitted only where lack of space or other limitations of the site make alternative stabilization methods impractical."

Findings of fact

1 On February 1, 2007, the Department received an application for a Shoreland Redevelopment Waiver to raze an existing primary structure and build a larger primary structure setback the same distance from the reference line on property with approximately 53 ft of frontage on Canobie Lake.

2. On March 15, 2007, the Department issued a Request for More Information Letter to the Applicant. Item # 4 of the letter specifically requested that the Applicant "include any proposed changes to land contours outside the building envelope" on the plans.

3. On April 23, 2007 the Applicant sent the Department a response to the More Information Letter. The Applicant specifically responded to item # 4 of the letter by stating "No proposed changes to the land contours outside the building envelope are being requested. Please refer to Plan by Rangeway Land Surveying & Design."

4. The plans submitted by Rangeway Land Surveying & Design show no new retaining wall construction and no changes to the contours of the land in the area between the edge of the building envelope and the reference line.

5. On May 22, 2007, the Department requested that the Applicant increase the amount of plantings proposed and revise the plan to reduce the size of a proposed deck so as to increase the setback of the structure to the reference line.

6. On June 12, 2007, the Department approved and issued a Shoreland Waiver to the Applicant.

7. Condition # 1 of the Shoreland Waiver required that all work on the property would be completed in accordance with plans submitted by Rangeway Land Surveying & Design as received by DES on May 24, 2007. These plans show no new retaining wall construction and no changes to the contours of the land in the area between the edge of the building envelope and the reference line.

8. Condition # 7 of the Shoreland Waiver required that the Applicant file a deed restriction with the Rockingham County Registry of Deeds prohibiting the construction or installation of any new structures between the reference line and the primary building setback.

9. Condition # 11 of the Shoreland Waiver clearly stated the waiver did not exempt the permit from any other necessary state permits or approvals.

10. On June 3, 2009, an inspection (the "Inspection") by Department staff found that the work that had been conducted on the property was not completed in accordance with the approved plan.

11. The Inspection found that the parking area was constructed to be larger than that shown on the approved plan

12. The Inspection found that the terraces and walkways between the parking area and the primary structure were not constructed as shown on the approved plan.

13. The Inspection found that a walkway which had not been shown on the approved plan was constructed along the east side of the primary structure.

14. The Inspection found that a 409 sq ft patio and contiguous 9 sq ft fireplace which had not been shown on the approved plan and would be contrary to Condition #7 of the Shoreland Waiver were constructed between the primary building line and the reference line. This patio encroaches to within 16 ft of the reference line in violation of Rule Env-Ws 1405.04 and exceeds the 150 sq ft limit allowed under Rule Env-Ws 1405.03, (b).

15. The Inspection found that the area between the primary building line and the reference line had been filled and a retaining wall with 5 ft wide steps to the lake had been constructed within the banks of Canobie Lake to retain that fill. The Applicant had constructed the retaining wall within the Wetlands Bureau's jurisdiction as established in RSA 482-A:3 but failed to obtain the required permit for the construction and associated impacts.

16. The construction of the retaining wall and placement of fill fails to meet the requirements of in Rules Env-Wt 404.01 and Env-Wt 404.05, of the Wetlands Program Code of Administrative Rules.

17. The retaining wall encroaches on the reference line in violation of Rule Env-Ws 1405.04.

18. The applicant failed to plant tree species as specified on the approved plan. The plantings that were completed were not evenly distributed throughout the area between the primary building line and the reference line. The species and distribution of plantings used will not enhance wildlife habitat or resource protection.

Rulings in Support of the Decision

1. In failing to obtain a Wetlands Permit pursuant RSA 482-A:3, the Applicant has failed to comply with RSA 483-B:6, Prior Approval; Permits, and RSA 483-B:3, II, Consistency Required, as the Wetlands Bureau standards for retaining wall construction and the more strict standards and they have not been met. Therefore, the project as constructed is not approvable.
2. The Applicant clearly stated that there was to be no regrading of the area between the reference line and primary building line included in the project as originally proposed to, and approved by, the Department. The placement of fill and construction of structures in this area increases impacts within the natural woodland buffer and, therefore, in accordance with Rule Env-Wq 1406.03, (e), the project shall not be considered vested under Env-Wq 1406.03, (a).
3. The construction of the 409 sq ft patio, contiguous 9 sq ft fireplace, and retaining wall in previously undisturbed areas between the primary building and reference line will not provide at least the same degree of protection to Canobie Lake. Therefore, the project as constructed fails to meet the requirements of RSA 483-B: 11, II and shall not be approved.
3. The 409 sq ft patio, contiguous 9 sq ft fireplace, and retaining wall fail to meet the setback requirement for accessory structures of Rule Env-Ws 1405.04 and, therefore, these impacts shall not be approved.
4. The 409 sq ft patio and contiguous 9 sq ft fireplace fail to meet the size limitation for accessory structures constructed between the primary building line and the reference line, Rule Env-Ws 1405.03, (b) as it existed at the time of the initial project review and construction. Therefore the construction of these structures shall not be approved.
5. The project as constructed will not significantly change the location or size of existing structures so as to bring them into greater conformity, nor will changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, significantly improve wildlife habitat or resource protection. The project as constructed fails to meet the criteria for a Redevelopment Waiver as established in RSA 483-B:11, II and, therefore, shall not be approved.

ROADWAY MAINTENANCE NOTIF

2009-02987 ALTON HIGHWAY DEPT, TOWN OF
ALTON Unnamed Wetland

CSPA PERMIT

2009-01167 REGONINI, ANTHONY & IRENE
SWANZEY Wilson Pond

Requested Action:

Impact 160 sq ft for the purpose of expanding an existing residential dwelling.

DENY PERMIT:

Impact 160 sq ft for the purpose of expanding an existing residential dwelling.

With Findings:

1. In accordance with RSA 483-B:5-b, V, (a), Permit Required; Exemption, "Within 30 days of receipt of an application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9, Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days

of the request, the department shall deny the application."

2. On July 1, 2009 the Department issued a Request for More Information Letter to the Applicant notifying them that addition Information was required to complete their file.

3. The Department's letter specified that if the information requested was not received by August 30, 2009, their application would be denied.

4. The Applicant failed to submit the requested information by August 30, 2009 and, therefore, the application is denied in accordance with ROSA 483-B:5-b, V, (a).

2009-02359 NH DRED
LACONIA Lake Opechee

Requested Action:

Impact 9,973 sq ft to create a new stream channel.

APPROVE PERMIT:

Impact 9,973 sq ft to create a new stream channel.

With Conditions:

1. All work shall be in accordance with plans by DuBois & King, Inc. dated November 2009 and received by the Department of Environmental Services ("DES") on November 10, 2009.
2. This project shall result in no increase in impervious surface area on this property.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-02459 CORRIVEAU, THERESA
BELMONT Lake Winnisquam

Requested Action:

Impact 4,350 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

APPROVE PERMIT:

Impact 4,350 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering and Surveying, LLC, dated October 1, 2009 and received by the Department of Environmental Services ("DES") on October 20, 2009.
2. No more than 24.24% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively absorb and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 4,475 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 4,386 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

15. Silt fencing must be removed once the area is stabilized.

2009-02707 JACKSON, JAMES
RUMNEY Baker River

Requested Action:

Impact 8,056 sq ft to construct a 2 bedroom house and detached garage.

APPROVE PERMIT:

Impact 8,056 sq ft to construct a 2 bedroom house and detached garage.

With Conditions:

1. All work shall be in accordance with plans by B. A. Barnard Ent., Inc. dated July 1, 2009 and received by the Department of Environmental Services ("DES") on December 21, 2009.
2. No more than 3.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 11,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02770 FRUCCI TRUST DATED 12/23/93, LINDA
ALTON Lake Winnepesaukee**

Requested Action:

Impact 16,618 sq ft to tear down and replace existing house, reconstruct driveway, and construct garage.

APPROVE PERMIT:

Impact 16,618 sq ft to tear down and replace existing house, reconstruct driveway, and construct garage.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corp. dated December 15, 2009 and received by the Department of Environmental Services ("DES") on December 21, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 25.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 6,888 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,202 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02802 ELLAKONA REALTY LLC
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 10,740 sq ft to construct new family residence, deck, driveway, and an impervious walk.

APPROVE PERMIT:

Impact 10,740 sq ft to construct new family residence, deck, driveway, and an impervious walk.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated December 12, 2009 and received by the Department of Environmental Services ("DES") on December 14, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 17.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 6,937 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The Department of Environmental Services has received correspondence on behalf of abutters that hold a right of way over the property. The correspondence maintains that the right of way should be considered impervious.
2. Pursuant to RSA 483-B:4, Definitions, VII-b. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water.
3. Photos submitted to the file indicate that the area of the right of way is vegetated and does not meet the definition of impervious surface found in RSA 483-B:4, VII-b.

2009-02815 ARNOLD, PAUL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 7,875 sq ft to construct a new house, including garage, deck, and porches.

APPROVE PERMIT:

Impact 7,875 sq ft to construct a new house, including garage, deck, and porches.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated November 16, 2009 and received by the Department of Environmental Services ("DES") on December 1, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18.92% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,843 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,510 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-02816 LEFEBVRE, ANDREA AND TIMOTHY
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 2,836 sq ft to replace nonconforming structure within the current footprint, and modification to deck and patio areas.

APPROVE PERMIT:

Impact 2,836 sq ft to replace nonconforming structure within the current footprint, and modification to deck and patio areas.

With Conditions:

1. All work shall be in accordance with plans by Tony Fallon Architecture dated November 24, 2009 and received by the Department of Environmental Services ("DES") on December 1, 2009.
2. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 299 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 299 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02864 ROCHESTER DPW, CITY OF
ROCHESTER Heath Brook**

Requested Action:

Impact 7,000 sq ft to remove home and shed that frequently flooded due to the proximity of the Salmon Falls River.

APPROVE PERMIT:

Impact 7,000 sq ft to remove home and shed that frequently flooded due to the proximity of the Salmon Falls River.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated August 1, 2009 and received by the Department of Environmental Services ("DES") on December 2, 2009.
2. No more than 0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,450 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02865 MCHUGH, VIRGINIA
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 606 sq ft to provide a 4 ft wide landscaped access path across slope.

APPROVE PERMIT:

Impact 606 sq ft to provide a 4 ft wide landscaped access path across slope.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc. dated November 23, 2009 and received by the Department of Environmental Services ("DES") on December 3, 2009.
2. No more than 13.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,950 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02876 SHORT REVOC TRUST, EUGENE
PORTSMOUTH Sagamore Creek

Requested Action:

Impact 24050 sq. ft. for the construction of a new 5715 sq. ft. single family home and the renovation of a 1600 sq. ft. rental unit into a guest house all with sewer, leachfield and municipal water.

APPROVE PERMIT:

Impact 24050 sq. ft. for the construction of a new 5715 sq. ft. single family home and the renovation of a 1600 sq. ft. rental unit into a guest house all with sewer, leachfield and municipal water.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc. dated November 25, 2009 and received by the Department of Environmental Services ("DES") on December 3, 2009.
2. No more than 14.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 12,271 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 12,271 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02877 CONDON, THOMAS & MARY ELLEN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 4590 sq. ft. for the construction of a 2750 sq. ft. home and removal of existing, reconfigure driveway to access attached garage, installation of filtration trench around new residence.

APPROVE PERMIT:

Impact 4590 sq. ft. for the construction of a 2750 sq. ft. home and removal of existing, reconfigure driveway to access attached garage, installation of filtration trench around new residence.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 30, 2009 and received by the Department of Environmental Services ("DES") on December 30, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
Impact 4590 sq. ft. for the construction of a 2750 sq. ft. home and removal of existing, reconfigure driveway to access attached garage, installation of filtration trench around new residence
3. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,690 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,142 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02878 CONDON, THOMAS & MARY ELLEN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 1295 sq. ft. for the installation of a proposed sewer pumpline and leachfield.

APPROVE PERMIT:

Impact 1295 sq. ft. for the installation of a proposed sewer pumpline and leachfield.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated November 30, 2009 and received by the Department of Environmental Services ("DES") on December 3, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 9.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately NA sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least NA sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-02885

POULOS, THEODORE AND PAMELA

ALTON Lake Winnepesaukee

Requested Action:

Impact 565 sq ft to repair erosion problem on frontage.

APPROVE PERMIT:

Impact 565 sq ft to repair erosion problem on frontage.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental LLC dated September 27, 2009 and received by the Department of Environmental Services ("DES") on December 7, 2009.
2. No more than 27.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 360 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,254 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2009-02591 GNECCO REV. TRUST 1998, CHARLOTTE F GNECCO
SEABROOK Atlantic Ocean

Requested Action:

Impact 1,244 sq ft for the purpose of expanding a nonconforming structure and expanding existing accessory structures.

APPROVE PERMIT:

Impact 1,244 sq ft for the purpose of expanding a nonconforming structure and expanding existing accessory structures.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineers, Inc., dated October 29, 2009 and received by the Department of Environmental Services ("DES") on November 2, 2009.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 81.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Atlantic Ocean and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove 287 sq ft of impervious surface coverage within the protected shoreland.
4. The applicant has proposed to plant additional, native vegetation within the protected shoreland.

5. The applicant has proposed to reduce the overall area of impervious surfaces within the protected shoreland as well as provide additional, native plantings, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-02863 LAKE SHORE PARK ASSOC, ALAN KIRKMAN, DIRECTOR
GILFORD Lake Winnepesaukee**

Requested Action:

Impact 2,356 sq ft for the purpose of rebuilding and upgrading existing cottages and sheds.

APPROVE PERMIT:

Impact 2,356 sq ft for the purpose of rebuilding and upgrading existing cottages and sheds.

WAIVERS APPROVED: RSA 483-B:9, II(b) and RSA 483-B:9, V(g)(1) are waived to allow the expansion of a primary structure that encroaches upon the primary building setback on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying Engineers received by the Department of Environmental Services ("DES") on December 1, 2009.
2. This approval includes waivers of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 32.45% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structures are located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structures are located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

4. The applicant has proposed to decrease the impervious area of the lot within the protected shoreland by 34 sq ft.
5. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip edges of the proposed structures.
6. The applicant has proposed to provide additional plantings within the waterfront and natural woodland buffers.
7. The applicant has proposed to install stormwater controls, reduce the overall area of imperviousness within the protected shoreland and enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02873 WRIGHT, MARY
BRISTOL Newfound Lake

Requested Action:

Impact 170.5 sq ft for the purpose of constructing a new deck.

Conservation Commission/Staff Comments:

Agent called to have us forward the returned Original to the following landowners seasonal mailing address:

Mary Wright
3291 Bay Ridge Way
Fort Charlotte, FL 33953

APPROVE PERMIT:

Impact 170.5 sq ft for the purpose of constructing a new deck.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by J.E Belanger Land Surveying, dated November 16, 2009 and received by the Department of Environmental Services ("DES") on December 4, 2009.
2. This approval includes a waiver of RSA 483-B:9, and therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 25.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary permits associated with proposed impacts jurisdictional under RSA 482-A.
5. The project as proposed will leave approximately 440 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No additional impacts shall occur to native vegetation between 50 feet and 150 feet from the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Newfound Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 87 sq ft of impervious area from the subject lot within the protected shoreland.
4. The applicant has proposed to provide additional plantings within the waterfront buffer.
5. The applicant has proposed to remove an antiquated boat channel and restore the shoreline of the subject lot.
6. The applicant has proposed to significantly enhance the waterfront buffer and restore the shoreline, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.